

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., AS §
REPRESENTATIVE OF THE ESTATE OF §
DENNIS W. TUTTLE, DECEASED, ROBERT §
TUTTLE, AND RYAN TUTTLE, §
§
Plaintiffs §
§
§
v. §
§
§
CITY OF HOUSTON; GERALD GOINES, in §
his individual capacity; STEVEN BRYANT, in §
his individual capacity; FELIPE GALLEGOS, §
in his individual capacity; ERIC SEPOLIO, in §
his individual capacity; MANUEL SALAZAR, §
in his individual capacity; THOMAS WOOD, §
in his individual capacity; OSCAR PARDO, in §
his individual capacity; FRANK MEDINA, in §
his individual capacity; CLEMENTE REYNA, §
in his individual capacity; CEDELL LOVINGS, §
in his individual capacity; NADEEM ASHRAF, §
in his individual capacity; MARSHA TODD, in §
her individual capacity; and ROBERT §
GONZALEZ in his individual Capacity, §
§
§
Defendants¹. §

PLAINTIFFS' MOTION IN LIMINE

Plaintiffs move that the Court instruct Defendants and their attorneys not to mention or to bring before the Jury in any manner throughout the trial, directly or indirectly, any of the matters described in the paragraphs set forth below, unless and until such matters have first been brought to the Court's attention out of the presence and/or hearing of the Jury, and a ruling is made as to the admissibility of such matters. The matters described below are inadmissible, inflammatory in

¹ Consolidated with *Nicholas, et al, v. City of Houston, et al*, No. 4:21-cv-272.

nature, and unduly prejudicial to Plaintiffs' cause, such that reference to them in the presence of the jury would cause irreparable harm to Plaintiffs. Plaintiffs submit that the failure to give such instructions and/or the violation of such instructions would deprive Plaintiffs of a fair and impartial trial.

1. That Plaintiffs sued any person who has been dismissed as a party to this action.
2. That Dennis Tuttle's daughter is not a party to this action.
3. The potential impact any judgment may have on the taxpayers of the City of Houston.
4. The now abandoned opinion previously expressed by Michael Maloney that someone fired the .357 revolver into the dining room wall after the initial shooting sequence in order to "stage" the scene, or any suggestion that Plaintiffs' counsel misled or attempted to mislead anyone about same.
5. That Dennis Tuttle was psychotic or suicidal at the time of the incident.
6. That Nicholas and/or Tuttle were intoxicated at the time of the raid, and any reference to their posthumous toxicology results.
7. That Nicholas was charged or convicted of any crime or misdemeanor in the past, including for writing a check without sufficient funds.

Respectfully submitted,

THE GALLAGHER LAW FIRM, PLLC

/s/ L. Boyd Smith, Jr.

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**ATTORNEYS FOR THE NICHOLAS
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record on this the 21st day of October 2024 pursuant to the Federal Rules of Civil Procedure.

/s/

Michael Doyle

CERTIFICATE OF CONFERENCE

The parties are in the process of conferring on these motions in Limine (as well as Defendants' Motions in Limine). Therefore, the parties will update the Court whether any are agreed on Friday, October 25, 2024

/s/

Michael Doyle